

07-0510027107-074502

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AR&E Docket No. 96700/736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Martin S. Pavelka, Jr. and William R. Jacobs, Jr.  
Serial No. : 10/087,187  
Filed : February 28, 2002  
For : UNMARKED DELETION MUTANTS OF MYCOBACTERIA AND  
METHODS OF USING SAME

COMMUNICATION IN RESPONSE TO MAY 3, 2002 NOTICE  
TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

Box MISSING PARTS

Sir:

"Express Mail" mailing label No. EV034640175US  
Date of Deposit: July 2, 2002  
I hereby certify that this paper or fee is being  
deposited with the United States Postal Service "Express  
Mail Post Office to Addressee" service under 37 CFR  
1.10 on the date indicated above and is addressed to  
the Commissioner for Patents, Washington, D.C. 20231.  
Name: Elie H. Gendloff  
Signature: *[Handwritten Signature]*

The U.S. Patent and Trademark Office issued a Notice to File Missing Parts of Nonprovisional Application on May 3, 2002. In response to the Notice to File Missing Parts, applicants enclose the following:

1. a copy of the May 3, 2002 Notice to File Missing Parts of Nonprovisional Application (Exhibit A);
2. a copy of substitute specification (Exhibit B);
3. a paper copy of the Sequence Listing of Application 09/350,047 (Exhibit C);
4. a check in the amount of \$870.00, to cover the \$740.00 basic filing fee and the \$130.00 surcharge fee; and
5. a return receipt postcard.

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A response to the May 3, 2002 Notice to File Missing Parts of Nonprovisional Application is due on July 3, 2002. Accordingly, this Communication is being timely filed.

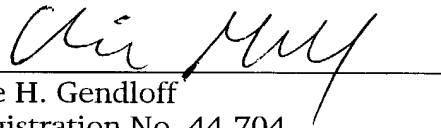
The paper of the Sequence Listing in this application 10/087,187, is identical to the computer readable copy of the Sequence Listing filed in application 09/350,047, filed July 8, 1999. In accordance with 37 C.F.R. 1.821(e), please use the only computer readable form filed for that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included herewith (Exhibit C).

No fee, other than the \$870.00, to cover the \$740.00 basic filing fee, and the \$130.00 surcharge fee, is deemed necessary in connection with the filing of this Communication. If any further fee is required, authorization is hereby given to charge any deficiency to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN  
Attorneys for Applicants  
90 Park Avenue  
New York, New York 10016  
(212) 697-5995

Dated: July 2, 2002  
New York, New York

By   
Elie H. Gendloff  
Registration No. 44,704



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D. C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/087,187	02/28/2002	Martin S. Pavelka JR.	96700/736

Craig J. Arnold  
Amster, Rothstein & Ebenstein  
90 Park Avenue  
New York, NY 10016

CONFIRMATION NO. 1355

## FORMALITIES LETTER



\*OC000000008021709\*

Date Mailed: 05/03/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/10/2002 BABRAHA1 00000011 10087187

01 FC:101 740.00 OP  
02 FC:105 130.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- This application clearly fails to comply with the requirements of 37 C.F.R. 1,821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable

**For questions regarding compliance to these requirements, please contact:**

- Items Required To Avoid Processing Delays:**

**SUMMARY OF FEES DUE:**

- **\$740** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

S.B

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE